

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

Bail Appl..No. 5677 of 2007()

CC.571/2005 of J.M.F.C.-I, PERINTHALMANNA
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PETITIONER-ACCUSED

ABDUL KHADER FAISI,
S/O UNNIMUHAMMED MUSLIAR, ULLATHUPARAMBIL HOUSE,
PARIYARAM P.O., NORTH KALPATTU, VYTHIRI TALUK,
WAYANAD DISTRICT.

BY ADV. SRI.DEVIDAS.U.K

RESPONDENTS: COMPLAINANT

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. FAIZAL ABID KUNHAPPA,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER
KUNHALAVI, PERINTALMANNA AMSOM DESOM,
MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.R.UDAYABHANU, J.

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Bail Application No. 5677 of 2007
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Dated this the 14th day of September, 2007

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure. The petitioner is accused in C.C.No.571/2005 in the file of the Judicial Magistrate of the First Class-I, Perinthalmanna, with respect to the offence under Section 138 of the Negotiable Instruments Act. He has sought for an order directing the court below to grant bail. It is submitted that the matter was posted for judgment and on that particular day he was laid up and the counsel appearing for the petitioner filed an application under Section 317 Cr.P.C undertaking that he shall be present on the next posting date. The said application was dismissed by the court below and the bail bond has been cancelled and a Non Bailable Warrant was issued. It is submitted that the matter has been posted to 05/10/2007.

In the circumstances, the petitioner is directed to surrender before the court below on 05/10/2007 and apply for bail. Pre-trial detention is not required in the matter. The bail application is allowed as above.

**K.R.UDAYABHANU,
Judge**

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